

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 8, 2005. In order to advance prosecution of this case, Applicant amends Claims 1, 10, and 19-21. Applicant respectfully requests reconsideration and favorable action in this case.

Section 101 Rejections

The Examiner rejects Claims 1-21 under 35 U.S.C. § 101 because the claimed invention is allegedly not tangible. Applicant respectfully notes that the Examiner provides no statutory basis and cites no caselaw supporting the proposition that claimed subject matter can properly be rejected based on a determination that the subject matter "is not tangible," as the Examiner has done here. As a result, Applicant respectfully traverses this rejection.

For the purposes of advancing prosecution, however, Applicant amends Claims 1 and 10 to address the Examiner's concerns. Claims 1 and 10 are thus allowable. Applicant respectfully requests reconsideration and allowance of Claims 1 and 10, and their respective dependents.

Applicant amends Claims 19-21 to more clearly identify the claimed subject matter. The Examiner identifies no basis for rejecting Claims 19-21, and Claims 19-21 are allowable. Applicant requests reconsideration and allowance of Claims 19-21.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Todd A. Cason
Reg. No. 54,020

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6452

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CORRESPONDENCE ADDRESS:

Customer Number:

05073